

# **EXHIBIT 1**

**In the Matter Of:**  
**GODFREY vs CSAA**

5:19-CV-329G

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**RUSSELL GODFREY**

*December 09, 2019*

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1 A Yes.

2 Q And we'll get into the issues on that claim  
3 later. How did you come to hire Butler to put the  
4 roof on?

5 A A friend of mine worked for him.

6 Q Do you remember the name of your friend?

7 A Brian Nixon.

8 Q Were you happy with the work that they did?

9 A Yeah.

10 Q Okay. Has -- other than the claims that  
11 you already referred to and the repairs made with  
12 regard to those claims, have you had any other work  
13 done on your roof?

14 A No.

15 Q So this roof is seven years old?

16 A Right.

17 Q And what was the -- when Butler installed  
18 the roof, did they tell you what the life expectancy  
19 of that roof would be?

20 A No.

21 Q You would expect a roof to experience some  
22 wear and tear over the course of seven years;  
23 correct?

24 A Well, yeah. It's outside.

25 Q Yeah. And a seven-year roof isn't as good

1 as a brand-new roof; correct?

2 A Yeah. I would say so.

3 Q Okay. So can you tell me about the day of  
4 the storm that is the subject of this lawsuit?

5 A Well, we had -- it was just a bad storm.  
6 And that year we had a lot of ice and wind and, you  
7 know, rain. We never had problems since we've had  
8 the new roof put on, and it started leaking.

9 Q Can you take me through that day?

10 A Well, we just noticed water coming into the  
11 house.

12 Q Okay. When did you notice the water?

13 A We got up that morning and I came down the  
14 stairs and I slipped in it.

15 Q Okay.

16 A The bottom of the stairs -- because it's a  
17 marble floor.

18 Q Okay.

19 A It was slick. We wasn't expecting it. And  
20 then there's a long hallway with kind of a parapet  
21 section and it was just pouring down through that.

22 Q Okay. Like from the ceiling or down the  
23 wall?

24 A Well, both. It was coming along the sides  
25 of the wall and then in the parapet where the stairs

1 Q All right. After Allen Lippoldt became  
2 involved, did you speak to Triple A again? Or did  
3 you just leave it to Allen Lippoldt?

4 A I think I just left it with him. But  
5 again, you know, I can't --

6 Q After Allen Lippoldt became involved, did  
7 you allow Allen to speak for you --

8 A Yes.

9 Q -- with Triple A?

10 MR. GIVENS: Object to the form.

11 THE WITNESS: Yes.

12 Q (By Ms. Kane) Was Allen speaking on your  
13 behalf to Triple A?

14 MR. GIVENS: Object to the form.

15 THE WITNESS: He was speaking to Triple  
16 A to help get the claim paid.

17 Q (By Ms. Kane) Did you give him permission  
18 to tell Triple A what you were thinking?

19 MR. GIVENS: Objection.

20 THE WITNESS: I don't remember anything  
21 about that.

22 Q (By Ms. Kane) Okay.

23 A I was just trying to get the roof fixed.  
24 To get the insurance company to pay for the claim.

25 Q And you authorized him through your

1 relationship with Ultimate to contact the insurance  
2 company?

3 MR. GIVENS: Objection to form.

4 THE WITNESS: He worked for them.

5 Q (By Ms. Kane) Was it your understanding  
6 Ultimate Roofing would be contacting the insurance  
7 company for you on this claim?

8 A Yeah. Allen Lippoldt, yes.

9 Q Okay. So when they -- when Ultimate  
10 Roofing contacted Triple A, they were doing that for  
11 you in order to facilitate the claim?

12 A Yes.

13 Q Okay. So if he said something good on your  
14 side to support your position, you would be bound by  
15 that to Triple A?

16 MR. GIVENS: Object to the form.

17 THE WITNESS: If he said something  
18 good?

19 Q (By Ms. Kane) If he was supporting your  
20 position about the claim when he spoke to Triple A,  
21 you would be bound by that?

22 MR. GIVENS: Object to the form.

23 THE WITNESS: He would be bound by?

24 Q (By Ms. Kane) If he said -- if he  
25 supported your position that this roof damage was

1 Q Okay. So you already said that the roof is  
2 completely repaired now?

3 A Yes.

4 Q You've asserted a bad faith claim against  
5 Triple A; correct?

6 A Yes.

7 Q What does bad faith mean to you?

8 A Well, just that they were -- they were  
9 negligent. They had facts, pictures, people out  
10 there on the roof that told them that damage was  
11 caused by the storm and they denied the claim for --  
12 I don't know why.

13 Q So on what facts do you base your  
14 contention that Triple A committed bad faith?

15 A They had their report from the adjuster  
16 that said it was damaged in the storm.

17 Q So how is Triple A unreasonable, in your  
18 own words?

19 A They didn't -- they had their own expert  
20 out there that was on site that said -- in my own  
21 living room, said that it should be paid. The claim  
22 was caused by the storm.

23 Q I'm sorry. I just want to clarify. By  
24 "their own expert," who are you referring to?

25 A The adjuster that came to the house.

1 A Okay.

2 Q I was going to ask you what that receipt  
3 was referring to.

4 A I'm sure --

5 Q Was it this claim or a previous claim?

6 A I'm sure that's the furniture that was  
7 damaged.

8 Q Okay. So it was purchased in 2007?

9 A Okay.

10 Q So those dressers would be 15 years old?

11 A (Nods head.)

12 Q No. Not 15. 11 years old at the time of  
13 the damage; correct?

14 A Uh-huh.

15 Q Okay. Are you claiming -- so that receipt  
16 was for a whole bedroom suite. A king bed, dresser,  
17 nightstand and a mirror. Are you claiming any  
18 damage to the rest of those pieces?

19 A No. They weren't in that area.

20 Q Did you suffer any other financial losses  
21 that were separate and apart from the benefits you  
22 claim are owed under the contract?

23 A No.

24 Q Any financial damages specific to the  
25 handling of the claim, other than repairs to the



1 roof?

2 A Other financial damages?

3 Q Financial damages.

4 A No. Just having to take out the loan and  
5 stuff.

6 Q No loss of income?

7 A No.

8 Q Are you claiming that you have suffered  
9 emotional distress from Triple A's handling of your  
10 claim?

11 A Yeah. But there is no, like, doctor bills  
12 or anything.

13 Q Well, can you describe the emotional  
14 distress?

15 A You pay insurance to -- we're both just --  
16 they wouldn't pay it. And then every time it  
17 rained, it just kept coming in. It was very  
18 upsetting.

19 Q Did the distress interfere with your daily  
20 function?

21 A No. Other than to come home when it rained  
22 to put buckets out and towels down. It did somewhat  
23 when it rained. It was raining quite often back  
24 then, if I recall.

25 Q Right. So you just stated -- I want to

1 make it clear for the record. Did you seek any  
2 counseling, therapy, or speak to any clergy,  
3 therapist or doctor?

4 A No.

5 Q Are you claiming any mental pain and  
6 suffering?

7 A No.

8 MR. GIVENS: Object to the form.

9 Q (By Ms. Kane) Have you ever had to go to  
10 counseling for anything?

11 A No.

12 Q So would you agree that water entering your  
13 home in and of itself is stressful?

14 A Yes.

15 Q Okay. And the whole process is not  
16 something anybody would ever want to do if they had  
17 a choice?

18 A No.

19 Q Would you agree that no one would want to  
20 have to deal with water leaking in their home?

21 A Yes.

22 Q And I understand that you are not happy  
23 with the way this claim was handled, but you're  
24 always going to be put out in some way in a  
25 situation where a roof is leaking.

1 A Uh-huh.

2 Q Do you agree?

3 A Yes.

4 Q Okay. Are you claiming you suffered  
5 embarrassment?

6 A No.

7 Q Are you claiming a loss of reputation?

8 A No.

9 Q Are you claiming that Triple A breached  
10 their contract with you?

11 A Yes.

12 Q And how do you think that they breached  
13 their contract with you?

14 A They didn't pay our claim when they had  
15 previously done so.

16 Q What damages are you seeking for the breach  
17 of contract claim?

18 A Just whatever the attorneys are  
19 recommending.

20 Q Well, what are you claiming?

21 A What am I claiming?

22 Q Right. What damages are you claiming for a  
23 breach of contract? What do you think the damages  
24 of the breach of contract are?

25 A I'll let the attorneys decide that. I